of access shall include but are not limited to:

(1) Any cause which would justify suspension or revocation of the identification card, strip, or seal under the provisions of § 122.187 of this Part; or

(2) Evidence of a pending or past investigation which establishes criminal, or dishonest conduct, or a verified record of such conduct.

(b) *Notification of denial.* The port director shall give written notification to any person whose application for access to the Customs security area has been denied, fully stating the reasons for denial and setting forth specific appeal procedures. The employer shall be notified in writing that the applicant has been denied access to the area and that the detailed reasons for the denial have been furnished to the applicant. Detailed reasons regarding the denial, however, shall not be furnished to the employer by Customs.

(c) *Appeal of denial.* The denial will be final unless the applicant files with the port director a written notice of appeal within 10 days following receipt of the notice of denial. The notice of appeal shall be filed in duplicate and shall set forth the response of the applicant to the statement of the port director. The port director shall render his decision on the appeal to the applicant within 30 days of receipt of the notice of appeal.

(d) *Further appeal of denial.* Where the application on appeal is denied by the port director, the applicant may file a further written notice of appeal to the Commissioner of Customs within 10 days of receipt of the port director's decision on the appeal. The further notice of appeal shall be filed in duplicate and shall set forth the response of the applicant to the decision of the port director. The Commissioner or his designee shall review the appeal and render a written decision. The final decision shall be transmitted to the port director and served by him on the applicant.

§ 122.184 Change of identification.

The identification card, strip, or seal may be removed from the employee by the port director where, for security reasons, a change in the nature of the identification is necessitated.

§ 122.185 Report of loss or theft of identification cards.

The loss or theft of an identification card, strip, or seal shall be promptly reported in writing by the employee to the port director. The card, strip, or seal may be replaced, as provided in § 122.182(f) of this part.

§ 122.186 Presentation of identification by other person.

If an approved identification card, strip, or seal is presented by a person other than the one to whom it was issued, the identification card, strip, or seal shall be removed and destroyed. An approved identification card, strip, or seal may be removed from an employee by any Customs officer designated by the port director.

§ 122.187 Revocation or suspension of access.

(a) *Grounds for revocation or suspension of access.* The port director may revoke or suspend access to the Customs security area and demand that the identification card, strip, or seal be surrendered in the following instances:

(1) The approved identification card, strip, or seal was obtained through fraud or the misstatement of a material fact;

(2) The employee is convicted of a felony or convicted of a misdemeanor involving theft, smuggling, or any theft connected crime;

(3) The employee permits the approved identification card, strip, or seal to be used by any other person or refuses to openly display or produce it upon the proper demand of a Customs officer;

(4) The continuation of privileges would, in the judgment of the port director, endanger the revenue or security of the area;

(5) The employee refuses or neglects to obey any proper order of a Customs officer, or any Customs order, rule, or regulation;

(6) The bond required by § 122.182(c) of this part is determined to be insufficient in amount or lacking sufficient sureties, and a satisfactory new bond with good and sufficient sureties is not furnished within a reasonable time.

(7) The employee no longer requires access to the Customs security area for